REMARKS

Claims 1-4, 6-16, 18-26 and 28-34 are pending in the present application. Claims 5, 17 and 27 have been cancelled by way of a previous amendment.

The Examiner has rejected claims 1-4, 6, 9-16, 18, 21-26, 28 and 31-34 under 35 U.S.C. § 103(a) as being unpatentable over US patent Publication No. 2003/0005118 to Williams (hereinafter "Williams") in view of US patent Publication No. 2004/0210771 to Wood et al. (hereinafter "Wood") in further view of US Patent No. 7,099,946 to Lennon et al. (hereinafter "Lennon").

The Office Action was issued following the United States Supreme Court's decision in the case of KSR Int'l Co. v. Teleflex Inc., No. 04-1350 (April 30, 2007). In light of the KSR decision, Applicant wishes to address various issues pertaining to a proper analysis under section 103.

The Examiner, by citing three and four references and asserting a reason for combining elements from the three and four references, has elected to base the rejection of claims 1-34 upon a teaching, suggestion or motivation to select and combine features from the cited references. Applicant wishes to point out that the Supreme Court's KSR decision did not reject use of a "teaching, suggestion or motivation" analysis as part of an obviousness analysis, characterizing the analysis as "a helpful insight." KSR slip op. at 14-15.

When the Examiner chooses to base a rejection upon a teaching, suggestion or motivation analysis, the Examiner must satisfy the requirements of such an analysis. In particular, the Examiner must demonstrate with evidence and reasoned argument that there was a teaching, suggestion or motivation to select and combine features from the cited references, e.g., In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002). Moreover, the prior art must suggest the desirability of the combination, not merely the feasibility, see In re Fulton, 73 USPQ2d 1141, 1145 (Fed. Cir. 2004).

In the event that the cited references fail to disclose or suggest all of the elements recited in the claims, then combining elements from the references would not yield the claimed subject matter, regardless of the extent of any teaching, suggestion or motivation.

Although the Supreme Court did not reject use of a "teaching, suggestion or motivation" analysis, the Supreme Court did say that it was not the only possible analysis of an obviousness question. Because of the Examiner's chosen ground for rejection, however, the only pending ground for rejection must be a "teaching, suggestion or motivation" analysis. In the event that the Examiner chooses to consider a different avenue for rejection, this would be a new ground for rejection not due to any action by Applicant. Applicant has a right to be heard on any new ground for rejection.

Applicant further respectfully reminds the Examiner that, even after KSR, the following legal principles are still valid, having been endorsed by the Supreme Court

or having been unaffected by its decision: (1) the USPTO still has the burden of proof on the issue of obviousness; (2) the USPTO must base its decision upon evidence, and it must support its decision with articulated reasoning (slip op. at 14); (3) merely demonstrating that all elements of the claimed invention exist in the prior art is not sufficient to support a determination of obviousness (slip op. at 14-15); (4) hindsight has no place in an obviousness analysis (slip op. at 17); and (5) Applicant is entitled to a careful, thorough, professional examination of the claims (slip op. at 7, 23, in which the Supreme Court remarked that a poor examination reflected poorly upon the USPTO).

As described in paragraph [0038] of the present application as published, a first server may determine that a request, received from a browser, for a web page requires redirection to a second server. Accompanying the request is an encrypted session token. The Applicant has figured out that the second server may not be able to decrypt the session token so as to obtain a session ID and a timestamp. Accordingly, while redirecting the request to the second server, the first server transmits the session ID and timestamp directly to the second server. Subsequently, the second server receives the redirected request from the browser. Conveniently, the second server may determine, based on the session ID and timestamp received from the first server, that the request relates to a valid session. Upon determining that the request relates to a valid session, the second server may serve the web page requested in the request.

Claim 1 requires "redirecting said request to the second server, including

transmitting said session ID and said timestamp directly to the second server".

The Examiner correctly notes that Williams discloses redirecting a received request. However, it important to note, further, that Williams redirects "If a request from a client to a protected server does not include a single-use domain token" (see paragraph [0067]). The Examiner admits that Williams does not specifically disclose including the transmission of said token to the second server in a redirect request. It should be clear that Williams does not disclose such transmission because Williams only redirects a request <u>when no token is received</u>.

The Examiner then cites Wood to show transmission of a session token with a redirect response. However, a careful read of Wood shows that the session token transmitted with the redirect (5) response is a new session token (see paragraph [0051]), not a session token received with a request from a browser and decrypted to obtain a session ID and a timestamp as required by claim 1.

The Examiner admits that Williams-Wood does not specifically disclose, in the Examiner's words, "direct transmission of a session ID and additional session state information such as a time/date parameter between two systems". However, this appears to contradict the Examiner's indication (in section 3.1 of the Response to Arguments in the Final Office Action of March 10, 2009) that "Wood discloses direct transfer of session state parameters such as session ID parameter and time/date parameter between network-connected entities (see Wood paragraph [0050], line 15-

17: some parameters can be passed directly between systems)".

Even though Wood discloses that some parameters can be passed directly between systems, the Applicant submits that the only parameters discussed are "required trust level, requested URL and credential passing method". It seems unlikely that the gatekeeper/entry handler component 110 would transmit to the login component 120 a timestamp of a session token just created.

The Examiner then cites Lennon to illustrate that such direct transmission was known.

In the response filed 12-3-2008, the Applicant argued that Lennon only indicates disclosure of transfer (between media browsers) of "a session identifier and a key for decoding the media associated with the media browsing session". The Applicant respectfully submitted that the disclosed key is not equivalent to the claimed timestamp. Responsively, the Examiner noted that Williams discloses that a session token may include a timestamp. In such a case, it is unclear what role Lennon plays in the rejection of claim 1, but to indicate that data can be transmitted from one network entity executing a browser to another network entity executing a browser.

One the one hand, the protected server Williams may receive a request with a token, decrypt the token and verify a session. In this case, there is no motivation to redirect the "request to the second server, including transmitting said session ID and

said timestamp directly to the second server" as required by claim 1.

On the other hand, the protected server Williams may receive a request with no token and responsively "redirect the client to the CDC to perform a login process" (see paragraph [0067]). Through combination with Wood, the redirect may be accompanied by a session token. Through combination with Lennon, rather than sending the session token to the client, the protected server transmits a session ID and a key to the Cookie Distribution Center (CDC). In this case, there is no motivation to decrypt the "encrypted session token at the first server to obtain a session ID and a timestamp". In particular, there is no motivation to decrypt the encrypted session token, since, in this case, no encrypted session token has been received. The only encrypted session token present is the token generated according to Wood for sending with the redirect.

Since there is no motivation to combine Williams, Wood and Lennon in a manner that provides the person of ordinary skill with the method of claim 1, the Applicant submits that claim 1 is not obvious over Williams in view of Wood in further view of Lennon. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 2-4, 6 and 9-12 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Lennon.

Claim 13 is directed to a system for secure session management. The system of claim 13 includes a first server including a first request handler and a second

server including the requested web page. Claim 13 requires that the first request handler be "adapted to redirect the request to said second server and transmit the session ID and said timestamp directly to said second server". In Williams, "If a request from a client to a protected server does not include a single-use domain token, the protected server can redirect the client to the CDC to perform a login process" (paragraph [0067]). In Wood, "A session token is passed to browser 170 in conjunction with the redirect (5) to login component 120." Notably, neither Williams nor Wood are adapted to redirect a request to a second server, where the second server includes the requested web page. The Williams redirect is to a Cookie Distribution Center 202. The Wood redirect is to login component 120. Lennon has not been cited for redirecting a request. Even so, in Lennon, the requested content is on the same server to which the original request is transmitted. Accordingly, Lennon does not disclose a first request handler be "adapted to redirect the request to said second server and transmit the session ID and said timestamp directly to said second server".

The Applicant submits that neither Williams, nor Wood, nor Lennon nor a combination of Williams, Wood and Lennon suggest or disclose a first request handler transmitting a session ID and a timestamp, obtained by decrypting an encrypted session token, directly to a second server, where the second server includes the requested web page. Accordingly, the Applicant submits that the system of claim 13 is not obvious over Williams in view of Wood in further view of Lennon. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 13, and claims 14-16, 18 and 21

dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Lennon.

Claim 23 is directed to a computer program product having a computer-readable medium tangibly embodying computer executable instructions for secure session management according to the method of claim 1.

With arguments similar to those presented in defense of the non-obviousness of claim 1, there is no motivation to combine Williams, Wood and Lennon in a manner that provides the person of ordinary skill with the computer program product of claim 23. Accordingly, the Applicant submits that claim 23 is not obvious over Williams in view of Wood in further view of Lennon. The Applicant respectfully requests that the Examiner withdraw the rejection of claim 23, and claims 24-26, 28 and 31-34 dependent, either directly or indirectly, thereon, as obvious over Williams in view of Wood in further view of Lennon.

The Examiner has rejected claims 7 and 8 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Lennon in further view of US Patent No. 5,907,621 to Bachman et al. (hereinafter "Bachman"). Claims 7 and 8 depend directly and indirectly, respectively, from claim 1 and add limitations. The Examiner contends that the combination of Williams, Wood and Lennon discloses most of the subject matter of claims 7 and 8 and cites Bachman to illustrate that the additional limitations added by claims 7 and 8 were known at the time the claimed inventions were

made. Without regard to whether Bachman discloses the limitations added by claims 7 and 8, the Applicant submits that Bachman does not provide motivation for carrying out all four of the elements of the method of claim 1.

Since there is no motivation to combine Williams, Wood, Lennon and Bachman in a manner that provides the person of ordinary skill with the method of claims 7 and 8, the Applicant submits that claims 7 and 8 are patentable over Williams in view of Wood in further view of Lennon in further view of Bachman. The Applicant respectfully requests that the Examiner withdraw the rejection of claims 7 and 8 as obvious.

The Examiner has rejected claims 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Lennon in further view of Bachman. Claims 19 and 20 depend indirectly from claim 13 and add limitations. The Examiner contends that the combination of Williams, Wood and Lennon discloses most of the subject matter of claims 19 and 20 and cites Bachman to illustrate that the additional limitations added by claims 19 and 20 were known at the time the claimed inventions were made. Without regard to whether Bachman discloses the limitations added by claims 19 and 20, the Applicant submits that Bachman does not suggest or disclose a first request handler transmitting a session ID and a timestamp directly to a second server, as required by claim 13.

Since it is submitted that neither Williams, nor Wood, nor Lennon, nor

Bachman, nor a combination of Williams, Wood, Lennon and Bachman suggest or disclose a first request handler transmitting a session ID and a timestamp, received along with a request, directly to a second server, it is further submitted that the system of claims 19 and 20 are patentable over Williams in view of Wood in further view of Lennon in further view of Bachman. It is respectfully requested that the Examiner withdraw the rejection of claims 19 and 20 as obvious.

The Examiner has rejected claims 29 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Wood in further view of Lennon in further view of Bachman. Claims 29 and 30 depend indirectly from claim 23 and add limitations. The Examiner contends that Williams, Wood and Lennon disclose most of the subject matter of claims 29 and 30 and cites Bachman to illustrate that the additional limitations added by claims 29 and 30 were known at the time the claimed inventions were made. Without regard to whether Bachman discloses the limitations added by claims 29 and 30, the Applicant submits that Bachman does not provide motivation in a manner that provides the person of ordinary skill with the computer program products of claims 29 and 30.

Since there is no motivation to combine Williams, Wood, Lennon and Bachman in a manner that provides the person of ordinary skill with the computer program products of claims 29 and 30, the Applicant submits that claims 29 and 30 are patentable over Williams in view of Wood in further view of Lennon in further view of

Bachman. The Applicant respectfully requests that the Examiner withdraw the rejection of claims 29 and 30 as obvious.

Favourable reconsideration and allowance of this application are respectfully requested. Should the Examiner believe however that additional amendments to the claims may be required to secure allowance of this application; he is invited to telephone the undersigned at the below-noted number to facilitate further prosecution of this application.

Respectfully Submitted,
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